

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL)	
COUNCIL OF CARPENTERS PENSION FUND,)	
CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS WELFARE FUND, and CHICAGO)	
REGIONAL COUNCIL OF CARPENTERS)	CASE NO. 07 C 4804
APPRENTICE & TRAINEE PROGRAM FUND)	
)	JUDGE COAR
Plaintiffs,)	
)	
v.)	
)	
FCJ REAL ESTATE DEVELOPMENT CO., INC.,)	
)	
Defendant.)	

MOTION FOR ENTRY OF ORDER OF JUDGMENT

Plaintiffs, by its attorney, Whitfield McGann & Ketterman, move this Honorable Court to enter Judgment by Default according to Fed. R. Civ. P. 55 for Defendant's failure to appear, answer or otherwise plead. Further, in support of this Motion the Plaintiffs state:

1. Plaintiffs filed their complaint on August 24, 2007 and the summons and complaint was served on the company's registered agent, Gwendolyn M. Bryant on September 20, 2007 via the Process Server. (**Exhibit A, Affidavit of Service**)

2. The Defendant has failed to appear, answer or otherwise plead within the time allowed by the Fed. R. Civ. P.

3. At all times relevant to this action, the Defendant has been bound by the provisions of a Collective Bargaining Agreement and the Trust Agreements which created the Trust Funds. Pursuant to the provisions of the Trust Agreements and the Collective Bargaining Agreement, the Defendant is required to submit monthly reports to the Trust Funds which list the number of hours worked by the Defendant's employees and to pay the ERISA contributions based on those hours.

4. The Defendant submitted the monthly contribution reports but failed to submit the ERISA contributions shown to be owed in the amount of \$127,910.05 for the months of January 2005 through December 2006 (**Exhibit B, Affidavit of James Rosemeyer**)

5. The Defendant owes interest on the unpaid ERISA contributions in the amount of \$16,584.02 pursuant to the Trust Agreements and 29 U.S.C. §1132(g)(2)(B). (**Exhibit B**)

6. The Defendant owes liquidated damages on the unpaid ERISA contributions in the amount of \$25,582.00 for the period January 25, 2005 through December 2006 pursuant to the Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(ii). (**Exhibit B**)

7. The Defendant owes the sum of \$2,513.75 for necessary and reasonable attorney fees and costs of \$8,066.45, which are collectible under the terms of the Collective Bargaining Agreement, the Trust Agreements and 29 U.S.C. §1132(g)(2)(D). (**Exhibit C, Affidavit of Amy Elizabeth Paluch Epton**)

WHEREFORE, Plaintiffs pray that their motion for judgment by default be granted in the amount of \$180,656.27 and that, within ten days, the Defendant be ordered to produce reports and contributions for the period January 2005 through December 2006.

Respectively submitted,

s/ Amy Elizabeth Paluch Epton
Attorney for the Trustees of the Chicago Regional
Council of Carpenters Pension Fund, et al.

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